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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,130	07/27/2000	JOHANN ENGELHARDT	293.000193	5635

7590 09/30/2002

SIMPSON SIMPSON & SNYDER
5555 MAIN STREET
WILLIAMSVILLE, NY 14221

EXAMINER

SHAFFER, RICKY D

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

09/60/130



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

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Commissioner of Patents and Trademarks

SEE ATTACHMENT HERETO.

Application/Control Number: 09/601,130

Art Unit: 2872

1. The amendment filed on 7/01/02 amending and/or canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because newly submitted (amended) claims 13 and 31 do not read on the elected invention because the newly submitted (amended) claims each fail to include the particular pinhole occluder shape details. In addition, the newly submitted (amended) claims add separate details of the dispersion means which is directed to invention III (original claims 25-30), set forth in Paper No. 6, which is independent or distinct from the elected invention for the reasons clearly stated in item 3 of Paper No. 6. Moreover, the newly submitted (amended) claims are directed to an invention that is independent or distinct from the elected invention for the following reasons.

The [newly amended or submitted] and [elected] inventions are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the omission of particular pinhole occluder shape details and the combination would require a search in class 359, subclass 831 which would not be required for the elected invention. The subcombination has separate utility such as an optical arrangement for spectral fanning out an incoming beam without dispersion means. Note by example, the reference to Xiao ('247) applied in the previous office action (Paper No. 8).

Application/Control Number: 09/601,130

Art Unit: 2872

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

2. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

RDS

September 29, 2002

Rick D. Shafer
RICKY D. SHAFER
PATENT EXAMINER
ART UNIT 2872